



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT  
October 17, 2006

Honorable Members of the  
Law and Legislation Committee

**Title: Ordinance: Mandatory Maintenance of an Ammunition Sales Log by  
Firearms Dealers**

**Location/Council District:** Citywide

**Recommendation:** Staff recommends that the Law and Legislation Committee direct staff to draft an ordinance requiring mandatory maintenance of an ammunition sales log by firearms dealers.

**Contact:** James Maccoun, Lieutenant, 808-0866

**Presenters:** James Maccoun, Lieutenant, 808-0866

**Department:** Police

**Division:** Fiscal/Economic Development

**Organization No:** 2112

## Description/Analysis

**Issue:** Sacramento Police Department staff has been researching an ordinance that would require mandatory maintenance of an ammunition sales log by firearms dealers. Consistent with the protocols established by the Committee and City Council, staff has submitted this report with information on the establishment of such an ordinance to receive direction from the Committee.

**Policy Considerations:** Currently, there are no mechanisms in place to track ammunition sales, insure that only persons of legal age purchase ammunition, and detect purchases by persons legally prohibited from possessing firearms and ammunition. The adoption of an Ammunition Log Ordinance would have a great impact on preventing illegal ammunition purchases within the City of Sacramento and allow for the increased detection and apprehension of those persons committing firearm-related crimes.

**Environmental Considerations:** This report concerns administrative issues that will not have any significant effect on the environment, and that do not constitute a "project" as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2)].

**Rationale for Recommendation:** Staff recommends that the Committee direct staff to draft the ordinance described above to help prevent illegal ammunition purchases within the City of Sacramento and allow for the increased detection and apprehension of those persons committing firearms related crimes.

The purpose of this ordinance would be to prevent the sale of ammunition to those who are legally prohibited from possessing ammunition and/or firearms. The ordinance would not prevent or delay a sale of ammunition at the point of sale. Instead, it would record the identity of the purchaser and details of the transaction and forward this data to the Sacramento Police Department. This data will allow the Department to identify and investigate offenders involved in firearm-related crimes.

This ordinance would require the following key bits of data to be recorded on a form approved by the Chief of Police at the time of the ammunition purchase:

- name, address, and date of birth of transferee,
- the transferee's driver's license or other identification number and the state it was issued in,
- the brand type and amount of ammunition,
- the transferee's signature,
- name of sales person,
- transfer date and time,
- right thumb print of the transferee on the form, and
- all written records must be open to law enforcement inspection and maintained for two years.

It is essential that the right thumbprint of the transferee be included for the purpose of positive identification of offenders for later prosecution. Driver's license information alone will make prosecutions dependent on the testimony of sales clerks and allow defendants to offer the defense of identity theft or stolen identification card. The form must include date, time and location of the transaction for possible introduction as evidence in later prosecutions.

It should also include a requirement that vendors transmit to the Police Department electronically all of the identifying information (in a format to be proscribed by the Chief of Police) of transferees within five (5) calendar days of the sale. This requirement will allow the Police Department to easily and electronically check the legal firearms rights status of transferees. This requirement should not be onerous because currently all ammunition sellers in the City of Sacramento must also be licensed firearms dealers. All firearms dealers are also licensed by the State of California and the Federal Government and must complete all transactions utilizing the California "Dealers Record of Sale" (DROS) system. The California Department of Justice will only accept transactions through their online, Internet-based DROS system. Thus, all firearms dealers in the City of Sacramento currently must maintain and utilize Internet-based computer systems.

The Police Department Information Technology staff believes they can easily create electronic forms for the user-friendly transmission of the required information to a Police Department secured website.

The ordinance will prescribe exemptions to peace officers, retired peace officers, state licensed armed security guards, and persons with concealed weapons permits. Persons possessing such identification are by definition allowed to possess firearms and they cannot be in a category that prohibits the possession of firearms and ammunition.

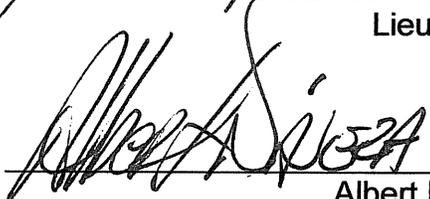
Violations of this ordinance would be a misdemeanor.

This ordinance would be similar to ordinances enacted in a total of 11 California cities and counties, including the cities of Los Angeles, San Francisco, and Oakland.

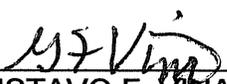
**Financial Considerations:** The proposed ordinance has no current fiscal effects.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of the proposed ordinance.

Respectfully Submitted by:   
James Maccoun  
Lieutenant

Approved by:   
Albert Nájera  
Chief of Police

Recommendation Approved:

  
GUSTAVO F. VINA  
Assistant City Manager

Ref: COP 10-15

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**Background:**

Prior to suspension of requirements of the "Gun Control Act of 1968" by the Federal Government, ammunition purchasers were required to show identification and sign a written log. This requirement was suspended in 1986 under the provisions of the "Firearm Owners Protection Act", allegedly because the information was rarely used in criminal investigations and was not centrally recorded. With the advent of modern technology, it is now possible for criminal investigators to readily identify violations and track offenders. Currently, there are no mechanisms in place to track ammunition sales, insure that only persons of legal age purchase ammunition, and detect purchases by persons legally prohibited from possessing firearms and ammunition.